

SUPPORT FOR THE AMENDMENTS

Applicants have amended Claim 8 to incorporate the limitations of Claim 19. Accordingly, support for amended Claim 8 can be found in Claims 8 and 19, as previously presented. Claims 17, 18, 32, and 33 have been canceled.

No new matter has been added. Claims 8-16, 20-31, and 34 remain active in this application.

REMARKS

At the outset, Applicants wish to thank Examiner Wong for indicating that Claims 19 and 20 are free of the prior art. Applicants submit that, in view of the following remarks, all of the present claims are allowable.

Present Claims 8-16 and 21 relate to methods for producing cheese, which comprise:

(1) mixing a partial hydrolysate of milk whey protein with a milk material, to obtain a first mixture;

(2) coagulating said mixture with a milk coagulating enzyme, to obtain a second mixture comprising cheese curd and whey,

wherein said mixing said partial hydrolysate of milk whey protein with said milk material is carried out by:

(a) adding said partial hydrolysate of milk whey protein to said milk material, to obtain an initial mixture;

(b) maintaining said initial mixture at a temperature of 2 to 15°C for 5 to 24 hours, to obtain an incubated mixture; and

(c) treating said incubated mixture with transglutaminase.

Present Claims 22-31 and 34 relate to methods for producing cheese, which comprise:

(1) mixing a partial hydrolysate of milk whey protein with a milk material, to obtain a first mixture;

(2) treating said first mixture with transglutaminase, to obtain a second mixture; and

(3) coagulating said second mixture with a milk coagulating enzyme, to obtain a mixture comprising cheese curd and whey.

Thus, all of the present claims recite the treatment of a mixture of a partial hydrolysate of milk whey protein and a milk material with transglutaminase. The cited reference contains no disclosure or suggestion of such a method of preparing cheese. Accordingly, this reference cannot affect the patentability of the present claims.

The rejection of Claims 8-34 under 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,416,796 (Han et al) is respectfully traversed. Han et al discloses the use of certain whey digestion products in cheese. However, this reference is completely silent in regard to the use of transglutaminase or the treatment of a mixture of a partial hydrolysate of milk whey protein and a milk material with transglutaminase.

In sharp contrast, as noted above, the presently claimed methods all involve treating a mixture of a partial hydrolysate of milk whey protein and a milk material with

transglutaminase. Since there is no disclosure of the treatment of a mixture of a partial hydrolysate of milk whey protein and a milk material with transglutaminase in Han et al, this reference cannot anticipate the present claims. Moreover, since there is no teaching in this reference which would even remotely suggest such a step, the present claims are not obvious in view of Han et al.

For all of these reasons, the rejection should be withdrawn.

The rejection of Claims 8-34 under 35 U.S.C. §112, first paragraph, is respectfully traversed. On page 2 of the Office Action, the position is taken that specification does not enable one of skill in the art to make and use the “partial hydrolysate” recited in the present claims. Applicants respectfully disagree and submit that the present specification provides a detailed description of how to make and use the partial hydrolysate recited in the present claims.

In support of this position, the Examiner’s attention is directed toward the passage given at page 14, line 27, to page 15, line 27, where a detailed discussion of the preparation of the partial hydrolysate is given. A further description is given in Example 1 at page 24, line 15, to page 26, line 2, of the specification.

Clearly, the present specification enables the partial hydrolysate recited in the claims, and the rejection should be withdrawn.

Lastly, Applicants note that an Information Disclosure Statement (“IDS”) was filed on January 29, 2003. However, to date Applicants have received no confirmation that the

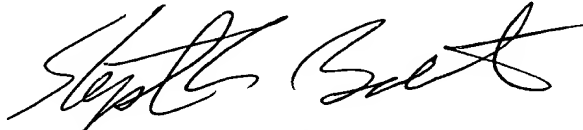
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references submitted with that IDS have been considered. Accordingly, Applicants respectfully request that the Examiner forward an initialed copy of the Form PTO 1449 for that IDS with the next communication from the PTO. For the Examiner's convenience, a new copy of the Form PTO 1449 previously filed with the IDS is being submitted herewith.

Applicants submit that the application is now in condition for allowance, and early notification of such action is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Stephen G. Baxter".

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